

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:)	
)	
STACY A JOHNSON)	
DEBTOR)	CASE NO. 11-05418
)	
)	
STACY A JOHNSON)	
PLAINTIFF)	
)	
vs.)	ADVERSARY NO. 11-01163
)	
NATIONAL COLLEGIATE TRUST)	
DEFENDANT)	

**AMENDED ADVERSARY COMPLAINT TO
DETERMINE DISCHARGEABILITY OF DEBT**

COMES NOW, Stacy Johnson, Debtor, by and through her attorney of record, Marty D. Martin, and alleges and states the follows to-wit:

1. This Court has jurisdiction of this cause pursuant to the legal authority of 29 U.S.C. §502 and §523.
2. This Court has proper venue pursuant to 29 U.S.C. §1409.
3. The Debtor, Stacy Johnson, was awarded the following private student loans by Defendant and/or its assignors:
 - a. June 2003 – current balance \$16,060.00 (account # 2120333333PA0....)
 - b. October 2004 – current balance \$12,307.00 (account # 2120333333PA0....)
 - c. March 2005 – current balance \$11,554.00 (account # 2120333333PA0....)
 - d. September 2005 – current balance \$24,762.00 (account # 2120333333PA0....)
 - e. June 2006 – current balance \$15,700.00 (account # 2120333333PA0....)
 - f. May 2007 – current balance \$22,622.00 (account # 2120333333PA0....)

4. The Debtor, Stacy Johnson, alleges and contends that the above listed loans were not *qualified higher education loans* as defined in §221(d)(1) of the Internal Revenue Code.
5. The Debtor, Stacy Johnson, alleges and contends that the proceeds from the above listed loans were not applied nor required to be applied towards paying any *qualified education expense* as defined in section 472 of the Higher Education Act of 1965, 20 U.S.C. §108711.
6. As such, the Debtor, Stacy Johnson, alleges and contends that the above listed loans are not excepted from discharge under 11 U.S.C. §523(a)(8).

WHEREFORE, Plaintiff prays this Court find:

1. The loans listed above are not excepted from discharge.
2. The loans listed above be treated in the same manner as the other dischargeable unsecured debts listed on her Schedule F and be discharged through her Chapter 7 Bankruptcy.
3. All such further and additional relief as may be just and proper at law or equity.
4. Jury trial demanded.

Respectfully submitted,

/s/Marty D. Martin
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